THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27220 OF 2005

Dated: 21-12-2005

Between

Farm Real Estate & Consultants Pvt. Ltd.,

Green Fields, Kanakamamidi, Moinabad, Ranga

Reddy District having registered office at

Somajiguda, Hyderabad rep. by its Manager

Mr. Wincent Lazarus.

...PETITIONER

AND

Central Power Distribution Company of AP Ltd,

Operation, Ranga Reddy Circle (South)

Rep. by its Managing Director and another.

...RESPONDENTS

ORDER:

Learned counsel for the petitioner submits that the petitioner is consumer in respect of electricity supply to Service Connection No.766 Service Category LT5(b) – Agricultural; commercial connection in S.C.No.060 and domestic connection under S.C.No.780 for staff quarters situated at Green Fields, Kanakamamidi Village, Moinabad Mandal, Ranga Reddy District. The learned counsel further submits that the grievance of the petitioner is that the second respondent issued a provisional assessment notice dated 13.12.2005 alleging irregularity by way of energy pilferage and misuse of agricultural meter bearing S.C.No.766

and demanded an amount of Rs.1,29,805/-.

Learned counsel for the respondents submits that based on the inspection conducted by one of the inspecting officers the respondents issued a provisional assessment notice dated 13.12.2005 provisionally estimating the value of energy pilferaged/misused by the petitioner at Rs.1,29,805/- and calling upon the petitioner to pay half of the said amount within 15 days from the date of receipt of the notice.

Learned counsel for the petitioner submits that under Section 126 of the Electricity Act, 2003 (for short 'the Act') the petitioner has to be given a reasonable opportunity to file his objections before passing the final assessment order. He further submits that by the impugned notice 15 days time was given to pay half of the provisionally estimated charges without giving an opportunity to file objections and more so, the electricity supply to the service connection No.766 was disconnected on 17.12.2005 even before the time granted for payment of half of the amount. The learned counsel further submits that electricity supply was disconnected not only for S.C.No.766 but also for the other two service connections of the petitioner.

Having regard to the facts and circumstances of the case,
this Court is of the opinion that unless final assessment order is passed in accordance with Section 126 of the Act, the respondents cannot disconnect the supply to the service connections of the petitioner. Accordingly, the respondents are directed to restore the electricity supply to the service connections of the petitioner and impugned notice dated 13.12.2005 shall be treated as a show cause notice and the petitioner is permitted to file a representation submitting his explanation within ten days from the date of receipt of a copy of this order. On such a representation being filed, the second respondent is directed to consider and dispose the same by passing a final assessment order in accordance with law.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 21, 2005

Note: Furnish C.C. of the order by 22.12.2005

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DSK